

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ELIOT FLORES #811654,

Plaintiff,

Case No. 2:22-cv-186

v.

HONORABLE PAUL L. MALONEY

ERICA HUSS, et al.,

Defendants.

/

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants¹ filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on June 20, 2024, recommending that this Court deny the motion but dismiss the case because Plaintiff appears to have abandoned its prosecution. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 24) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 19) is DENIED.

IT IS FURTHER ORDERED that the case is DISMISSED for lack of prosecution.

¹ Flores named the following MBP employees as defendants: (1) Warden Erica Huss, (2) Health Unit Manager (HUM) Brenda Jones, (3) Nurse Unknown Christy, (4) Sergeant (Sgt.) Unknown Wyatt, (5) Nurse Unknown Wixtorm, and (6) Lieutenant (Lt.) Unknown Havenor. (ECF No. 1, PageID.2.)

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: July 25, 2024

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge